

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GLOBAL LINK, LLC.,

Plaintiff,

Case No. 06-CV-14938

vs.

HON. GEORGE CARAM STEEH

KARAMTECH CO., LTD.,

Defendant.

ORDER DENYING DEFENDANT-APPELLEE'S MOTION
TO CORRECT AND CERTIFY THE RECORD ON APPEAL [DOC. 20]

This matter is currently on appeal in the Sixth Circuit Court of Appeals. This Court dismissed plaintiff's complaint based on contractual forum selection and choice of law provisions which required plaintiff's claims to be litigated in South Korea. Plaintiff appealed this Court's ruling and also filed a lawsuit in the South Korean Court. Defendant now seeks to supplement the record on appeal by adding a copy of the South Korean complaint to the record.

Federal Rule of Appellate Procedure 10(e) provides for correction or modification of the record on appeal under two circumstances. If the parties dispute whether the record discloses what occurred in the district court, the district court is called upon to settle the dispute. F.R.A.P. 10(e)(1). Secondly, if a material matter is omitted or misstated by error or accident, the error can be corrected. F.R.A.P. 10(e)(2). The purpose of allowing an amendment or correction is to "ensure that the appellate record accurately reflects the record before the District Court, *not* to provide this Court with

new evidence not before the District Court, even if the new evidence is substantial.”

Adams v. Holland, 330 F.3d 398, 406 (6th Cir. 2003).

The South Korean complaint was never presented to this Court, for the reason that it was not even filed until several months after this Court issued its decision granting the motion to dismiss. There is no basis for correcting the record pursuant to F.R.A.P. 10(e) in this case.

Defendant-Appellee’s motion to correct and certify the record on appeal is DENIED.

Dated: April 3, 2008

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 3, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk